

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office

JUL 9 1970

Returned to applicant for correction

AUG 10 1970

Corrected application filed

SEP 17 1970

Map filed

JUN 22 1970

The applicant Frank M. Flynn and Len H. Rathfon  
of Halleck, County of \_\_\_\_\_  
State of Nevada, hereby makes application for permission to change the  
point of diversion  
of water heretofore appropriated under Permit No. 3125

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is South branch of Lamoille Creek  
(Name of stream, lake or other source.)
2. The amount of water to be changed 2.882 c.f.s.  
(Second feet, acre feet.)
3. The water to be used for Irrigation  
(If for stock state number and kind of animals.)
4. The water heretofore used for Irrigation  
(If for stock state number and kind of animals.)
5. The water is to be diverted at the following point SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 9, T.35N., R.58E.,  
M.D.B.&M., from which the SW corner of said Section 9 bears S. 50°  
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)  
12' W.1875' distant.
6. The existing point of diversion is located within SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 34, T. 35N., R. 58E.,  
MDB&M., at a point from which the S $\frac{1}{4}$  corner of Section 34, T. 35N.,  
(If point of diversion is not changed, do not answer.)  
R. 58 E., MDB&M bears S. 63° W. a distance of 2600 feet.
7. Proposed place of use NE $\frac{1}{4}$  Sec. 17, T.35N., R. 58E., M.D.B.&M., 90.2 acres.  
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use NE $\frac{1}{4}$  Sec. 17, T. 35N., R. 58E., M.D.B.&M., 90.2 acres.  
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)
9. Use will be from April 15 to Sept. 15 of each year.  
(Month) (Month)
10. Use has been from April 15 to Sept. 15 of each year.  
(Month) (Month)

11. Description of proposed works.

6' x 6' x 14' concrete headgate and diversion ditch

(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works.....\$3,000.00

13. Estimated time required to construct works.....previously constructed

14. Remarks Already applied

Compared jn/jw jw/bk

Applicant Frank M. Flynn & Len H. Rathfon

By S/Stewart R. Wilson

Box 389, Elko, Nevada 89801

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion of the waters of South Branch Lamoille Creek as heretofore granted under Permit 3125 is issued subject to the terms and conditions imposed in said Permit 3125 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.882 cubic feet per second but not to exceed a

seasonal duty of 3.0 acre feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before December 24, 1971

Proof of commencement of work shall be filed before January 24, 1972

Work must be prosecuted with reasonable diligence and be completed on or before December 24, 1972

Proof of completion of work shall be filed before January 24, 1973

Application of water to beneficial use shall be made on or before December 24, 1973

Proof of the application of water to beneficial use shall be filed on or before January 24, 1974

Map in support of proof of beneficial use shall be filed on or before January 24, 1974

Commencement of work filed 1/29/72

Completion of work filed 1/29/72

Proof of beneficial use filed OCT 29 1976

Cultural map filed

Certificate No. 8913 Issued Feb 1-1977

Recorded Bk. Page

IN TESTIMONY WHEREOF, I, Roland D. Westergard, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 24th day of June

A.D. 19 71

State Engineer